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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION  
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11 RONALD JAMES BREWER, ) No. CV 06-08286-CAS (VBK)  
12 )  
13 Plaintiff, ) ORDER (1) ACCEPTING AND ADOPTING  
14 v. ) THE REPORT AND RECOMMENDATION OF  
15 S. RICHARDS, et al., ) THE UNITED STATES MAGISTRATE  
16 ) JUDGE, (2) GRANTING IN PART  
17 Defendants. ) DEFENDANTS' MOTION TO DISMISS  
 ) WITH RESPECT TO DEFENDANT SMALLS;  
 ) (3) DENYING IN PART DEFENDANTS'  
 ) MOTION TO DISMISS, AND (4)  
 ) ORDERING DEFENDANTS TO FILE AN  
 ) ANSWER WITHIN 30 DAYS

18 Pursuant to 28 U.S.C. §636, the Court has reviewed the Complaint  
19 and all other papers along with the attached Report and Recommendation  
20 of the United States Magistrate Judge, and has made a de novo  
21 determination of the Report and Recommendation.

22 **IT IS THEREFORE ORDERED** that an Order be entered (1) approving  
23 and adopting the Report and Recommendation, (2) Defendants' Motion to  
24 Dismiss with respect to Defendant Smalls (claim three) and dismissing  
25 Plaintiff's state law claims for assault and battery (claim two) is  
26 granted; (3) Defendants' Motion to Dismiss is denied in part with

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1 respect to claim one; and (4) Defendants Richards, Williamson,  
2 Fletcher, Becerril, Crawford, Jakell and Sosa are ordered to file an  
3 Answer to the Complaint within 30 days of the date of this Order.

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5 DATED: June 3, 2008

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7 Christina A. Snyder  
8 CHRISTINA A. SNYDER  
9 UNITED STATES DISTRICT JUDGE  
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